

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION FOR :
A REAL ESTATE SALESPERSONS LICENSE FOR :
FRANK A COTTONE : FINAL DECISION AND ORDER
APPLICANT. :

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Frank A Cottone
5578 Broman Lane
Phelps WI 54554

Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

FINDINGS OF FACT

1. Frank A. Cottone (Applicant) has filed an application for a credential to practice as a real estate salesperson in the State of Wisconsin.
2. Information received in the application process reflects that:
 - a. On or about October 11, 2005 Applicant was charged with a violation of Wis. Stat. §940.19(6)(a) and 940.19(1) [aggravated battery-elderly and battery]. These matters are current pending.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a).
2. The facts and circumstances of the convictions referenced above substantially relate to the practice of a real estate salesperson. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. § 452.14(3).

ORDER

NOW, THEREFORE, IT IS ORDERED that FRANK A. COTTONE is GRANTED a REAL ESTATE SALESPERSON'S LICENSE, subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Anger Management

1. Within thirty (30) days from the date of this Order, Applicant shall enter into a program of anger management treatment or training pre-approved as acceptable to the Department. Applicant shall participate in, cooperate with, and follow all recommendations of the provider of this program and complete the program.
2. The Department reserves the right to require additional participation by Applicant in treatment with a provider acceptable to the Department, should the Department Monitor in her discretion believe additional treatment is warranted on the basis of a report(s) received.
3. Prior to commencing the anger management program, Applicant shall provide the person(s) providing anger management training/treatment with a copy of this Final Decision and Order, together with the police report relating to his conviction.
4. The treatment/program provider shall submit formal written reports to Department Monitor upon completion of the program, or otherwise as directed by Department Monitor. The reports shall assess Applicant's participation and progress in the program. The Provider shall report immediately to Department Monitor any failure to participate or other suspected violation of this Order.

Practice Limitations

5. Applicant shall practice real estate only under the general supervision of a Wisconsin licensed real estate broker approved by the Department or Department Monitor. The supervising broker shall submit a plan of supervision to the Department Monitor and obtain approval of the plan prior to Applicant practicing under the supervising broker's supervision. Approval by the Department Monitor is required prior to Applicant working as a real estate salesperson.

Reporting Requirements

6. Applicant shall provide a copy of this Final Decision and Order to his supervising broker at all settings where Applicant works as a real estate salesperson.
7. It is Applicant's responsibility to arrange for written reports from his supervising broker to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the level of supervision provided and Applicant's sales activities; the reports shall in addition and verify that he is in compliance with the laws governing the practice of real estate and the terms of this Order.
8. Applicant shall comply with all terms of the sentencing agreement and make arrangements with his probation/parole officer to notify the Department Monitor **immediately** of any violation of probation/parole terms. In addition, Applicant shall make arrangements for the submission of quarterly reports from his probation/parole office attesting to the status of his participation in probation/parole.
9. Applicant shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his probation and parole records.
10. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
11. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant

Department Monitor

12. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) (608) 261-7904

Petitions for Modification

13. Applicant may petition the Department for modification of the terms of this Order at any time following the later of either his discharge from probation or two years after the effective date of this order. Any such petition shall be accompanied by a written recommendation from Applicant's employer and (if applicable) his treatment provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stats. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

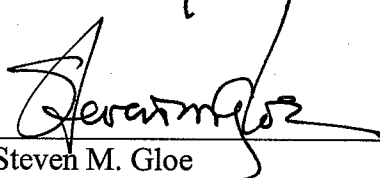
Costs

14. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Summary Suspension / Additional Discipline

15. The Department may revoke Applicant's limited license without further notice or hearing or other proceeding for failure by Applicant to timely comply with the terms of this limitation and/or for any further criminal conviction of Applicant. A violation of this Order may alternatively be the basis for a summary suspension under Wis. Admin. Code RL 6 or separate disciplinary action under Wis. Stat. §440.26(6).

Dated at Madison, Wisconsin this 1st day of February, 2007.


Steven M. Gloe
On behalf of the Department of
Regulation and Licensing